HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.4899 of 2005

Date of decision : 1.12.2006.

Municipal Council, Kotkapura & anr. .....Petitioners

versus

Punjab Wakf Board Ambala and others .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Sandeep Khunger, Advocate for the petitioners.

Mr.B.R.Mahajan, Advocate for the respondents.

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ORDER

HEMANT GUPTA, J. (Oral)

The present revision petition is against the order dated 22.7.2005, passed by the learned Wakf Tribunal allowing the application of the plaintiff to amend the plaint so as to seek the relief of possession as well.

The sole ground raised by the petitioners is that the learned Tribunal has proceeded as if the Court fee on the plaint for relief of possession has already been paid though it is the case of the plaintiffs that the Court fee is yet to be paid. The said ground is wholly immaterial in respect of the amendment granted to the plaintiffs so as to claim the relief of possession.

Since the provisions of Limitation Act, 1963 are not applicable in respect of a suit filed by the Wakf Board under the Wakf Act, 1995, therefore, the argument raised is wholly inconsequential. The amendments sought for by the plaintiffs does not prejudice any of the rights of the petitioner.

Consequently, I do not find any patent illegality or irregularity in the order passed by the learned Tribunal, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

December 1, 2006
**mohinder*